

REMARKS

Claims 15, 17, 18 and 21-28 are presently in the application. Claims 1-14, 16, 19 and 20 have been canceled.

The examiner's indication of allowable subject matter in claims 24 and 25 is appreciated.

Claim 15 has been amended to incorporate the limitations of former claims 16 and 20. In addition, claim 15 has been amended to further recite that the control chamber 20 is hydraulically connected to the high-pressure chamber by the filling connection 10 and includes a closing spring 24 for biasing the injection nozzle in a direction closing the openings 6.

Claims 15, 17, 18, 21-23 and 26-28 have been rejected under 35 USC 102(b) as anticipated by Klugl et al. Reconsideration of the rejection is requested.

It is noted that the only Klugl et al patent cited in a "Notice of References Cited" is US 6,997,392. In the most recent rejection, the examiner does not identify whether Klugl et al (US 6,997,392) or (WO 02/31348) is the reference relied on. Since Klugl et al (US 6,997,392) is not available as a reference under section 102, it is presumed that the examiner intended to cite Klugl et al (WO 02/31348). The examiner is requested to clarify which Klugl et al document is being used in the rejection and, if the document being relied on is Klugl et al (WO 02/31348), that a new "Notice of References Cited" indicating that Klugl et al (WO 02/31348) has been considered by the examiner be mailed to the applicant with the next Office action.

The examiner now reads the “injection nozzle control chamber” on the fourth feeder line 54 shown in Fig. 1 of Klugl (see, US 6,997,392, col. 3, l. 58). The examiner continues to read the “filling connection” on the passage 31 and now finds that the “filling connection” 31 is located between the “pressure booster high-pressure chamber” 29 and the “injection nozzle control chamber” 54.

The examiner also finds that the closure of the filling connection 31 is coupled with the motion of the nozzle piston in the opening direction to uncover the injection openings in the sense that the valve 30 (and thus the line 31) is open for filling the high-pressure chamber 29 when the fuel injection nozzle is closed and is closed when the fuel injection nozzle is open due to the high-pressure in the chamber 29 when the booster piston 23 moves downward.

However, the fourth feeder line 54 of Klugl et al, which the examiner now reads as the claimed “injection nozzle control chamber,” does not include a closing spring for biasing the nozzle piston in a direction to close the injection openings as recited in claim 15. Also, the fourth feeder line 54 of Klugl et al (the claimed control chamber) is not hydraulically connected to the pressure booster high-pressure chamber 29 of Klugl et al by the “filling connection” 31 of Klugl et al as required by claim 15.

Still further, Klugl et al does not teach a filling connection, identified in the rejection as line 31 of Klugl et al, including a throttle or a “filling connection” 31 which is closed by the nozzle piston as required by claim 15. Instead, Klugl et al clearly teaches that the line 31 is closed by the valve 30.

To support a rejection of a claim under 35 U.S.C. 102, it must be shown that each element of the claim is found, either expressly described or under principles of inherency, in a single prior art reference. See Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984).

For the reasons set forth above, Klugl et al does not teach each and every element recited in claim 15. Accordingly, claim 15 and the claims dependent thereon are not anticipated by the teachings of Klugl et al.

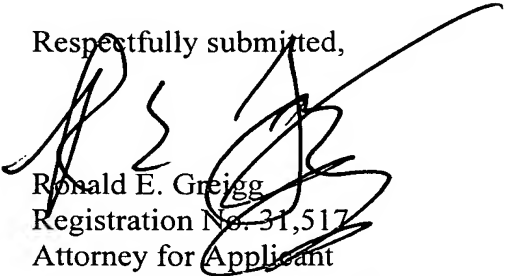
Former claim 20 was rejected under 35 USC 103(a) as unpatentable over Klugl et al in view of Boecking (US 6,443,129).

Boecking fails to teach an injection nozzle control chamber that includes a closing spring for biasing the nozzle piston in a direction to close the injection openings or a control chamber hydraulically connected to a pressure booster high-pressure chamber by a filing connection as required by claim 15. Therefore, even if it were obvious to combine the teachings of Boecking with the teachings of Klugl et al, one of ordinary skill in the art would not have arrived at the structure required by claim 15.

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Entry of the amendment and allowance of the claims are respectfully requested.

Respectfully submitted,



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